

MR2723-322

Serial Number: 10/714,651

Reply to Office Action dated 5 October 2005

**REMARKS/ARGUMENTS**

This case has been carefully reviewed and analyzed in view of the Official Action dated 5 October 2005. Responsive to the rejections made in the Official Action, Claim 1 has been amended to clarify the language thereof and the combination of elements which form the invention of the subject Patent Application.

In the Official Action, the Examiner objected to the Specification under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention. Specifically, the Examiner stated that the description with respect to the under nest member 24 was unclear. Accordingly, the Specification has been amended to clarify the description of the under nest member so that it corresponds with that which is shown in the Drawings.

In the Official Action, the Examiner objected to Claim 1 due to an informality therein and rejected Claims 1-4 under 35 U.S.C. § 112, first paragraph, for the same reasons as the objection to the Specification. Claim 1 has been amended to correct the informality kindly noted by the Examiner and describe the under nest member in the same manner as the amendment to the Specification so that like the Specification, the Claims now correspond to that which is shown in the Drawings. Therefore, it is now believed that the Specification and Claims sufficiently describe the invention so that one skilled in the art can make and/or use the invention.

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In the Official Action, the Examiner rejected Claims 1 and 4 under 35 U.S.C. § 102(b), as being anticipated by Crandall, U.S. Patent 588,958. Claims 1-4 were also rejected under 35 U.S.C. § 103(a), as being unpatentable over Lin, et al., U.S. Patent 6,810,890.

Before discussing the prior art relied upon by the Examiner, it is believed beneficial to first briefly review the structure of the invention of the subject Patent Application, as now claimed. The invention of the subject Patent Application is directed to a golf-sunshade. The sunshade includes a middle-stick that is a stick shaped member. The sunshade includes a flex member which extends from a top end of the middle-stick, and an upper nest member that is fixed on a top end of the flex member. The sunshade includes an under nest member that is disposed around an outer surface of the flex member and slidably displaceable on the flex member and the middle-stick. Further, the golf-sunshade includes a rib, the rib including a main rib and a branch rib respectively connected to the upper nest member and the under nest member.

In contradistinction, the Crandall reference is directed to a parasol holder for baby carriages wherein the parasol includes a runner g that is slideably displaceable along arcuate and straight portions b3 and b2 of a staff. The sliding runner g consists of a narrow ring g1 and the transversely flexible extensions g2 that fits loosely over the staff. The extensions g2 are formed by a single piece of wire which is closely coiled, allowing it to be easily slid along the arcuate portions

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of the staff. The runner g is secured in position along the staff by means of a ring h having a set-screw h1 threadedly engaged therein.

Thus, the reference does not disclose or suggest a flex member, the flex member extending from a top end of the middle-stick, and an upper nest member, the upper nest member being fixed on a top end of the flex member, as now claimed. Further, the reference fails to disclose or suggest under nest member which is slideably displaceable on the flex member and the middle-stick, as now claimed. In fact, the reference teaches away from such a structure, as the reference makes use of an inflexible shaft with a slideable parasol that is angled by virtue of where it is positioned on the shaft, straight vs. arcuate portion thereof.

Therefore, as the reference fails to disclose each and every one of the elements that define the invention of the subject Patent Application, as now claimed, it cannot anticipate that invention. Further, as the reference fails to suggest such a combination of elements, and in fact teaches away from that combination, it cannot make obvious that invention either.

The Lin, et al. reference is directed to an obstruction-free golf bag umbrella and is constructed like the prior art disclosed in Fig. 1 of the subject Patent Application. Here, a bending portion 4 is formed by a coil spring structure disposed intermediate within the central shaft 1 of the umbrella. The bending portion 4 is disposed between the upper tube 13 and the top tube 15, with the top ball 16 being coupled to the top end of the top tube 15. Therefore, nowhere does

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this reference disclose or suggest the flex member extend from a top end of the middle-stick, and an upper nest member being fixed on a top end of the flex member, as now claimed. Further, nowhere does the reference disclose or suggest an under nest member being disposed around an outer surface of the flex member and slideably displaceable on the flex member and the middle-stick, as now claimed. The reference clearly teaches away from such a structure, in that the flex member is disposed between the middle-stick portions 13 and 15, with the top ball 16 being coupled to the end of the top tube 15. Further, the runner 23 is disposed on the top tube 15, and not the bending portion 4.

Thus, as the reference fails to disclose the concatenation of elements which form the invention of the subject Patent Application, and in fact teach away from that combination, the Lin, et al. reference cannot make obvious the invention of the subject Patent Application, as now claimed.

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For all of the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,  
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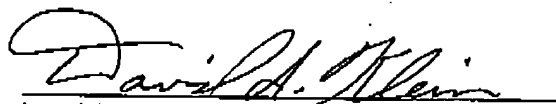
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